



U.S. Department of Justice

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Northern District of New York*

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New Release
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Richard S. Hartunian, United States Attorney of the Northern District of New York announced that a federal jury in Utica, New York, has found Certified Environmental Services, Inc. ("CES"); its Field Technical Services Manager, Nicole Copeland, Field Technical Services Supervisor, Elisa Dunn; and one of its employees, Sandy Allen, guilty of conspiring to aid and abet Clean Air Act violations, commit mail fraud, and defraud the United States. The defendants were also convicted of substantive Clean Air Act and mail fraud counts. Defendants CES and Elisa Dunn were also convicted of making false statements to federal law enforcement.

As alleged in the indictment, CES (an asbestos air monitoring company and accredited laboratory) and several of its senior employees, together with Aapex Environmental and Paragon Environmental (asbestos removal companies, having already pled guilty) conspired over the course of nearly a decade to falsify air monitoring and laboratory results used to prove that asbestos removal was done properly. In numerous instances these asbestos removal companies represented that homes, schools, and other buildings were free of asbestos contamination when, in fact, asbestos debris remained behind. Owners of local homes and buildings were unaware that asbestos had been left behind from such sloppy abatement work due to air quality reports that were falsified by CES and its supervisors and employees. Due to the false lab reports, people that lived and worked in these buildings were exposed to asbestos, putting them at risk for development of asbestos-related diseases. EPA investigators have notified effected building owners of the asbestos problem so proper clean up could be conducted.

The conspiracy and substantive Clean Air Act, and false statements counts of the Indictment each carry a maximum possible term of incarceration of five years and a fine of \$250,000, twice the gross gain to the defendants, or twice the gross loss to a victim. The mail fraud counts each carry a maximum possible term of incarceration of 20 years and similar fines. CES faces a possible maximum fine of 7.5 million, and restitution to all victims. Nicole Copeland faces a maximum possible sentence of 110 years in jail and a fine of \$3,000,000. Elisa Dunn faces a maximum possible sentence 40 years in jail and a fine of \$1,250,000. Sandy Allen faces a maximum possible sentence 50 years in jail and a fine of \$1,000,000. Sentencing has been set for February 25, 2011 at 10 a.m. in Utica, NY before the Honorable David N. Hurd.

A former CES employee, Thomas Juliano, was acquitted of three counts.

Asbestos has been determined to cause lung cancer, asbestosis and mesothelioma, an invariably fatal disease. The Environmental Protection Agency has determined that there is no safe level of exposure to asbestos.

This case was investigated by Special Agents of the Environmental Protection Agency and New York State Department of Environmental Conservation. The case was prosecuted by Assistant United States Attorney Craig A. Benedict and trial attorneys Jessie M. Alloway and Todd W. Gleason of the Environmental Crimes Section, United States Department of Justice. Mr. Benedict can be reached with questions at 315-448-0672.